

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

ELIZABETH TROIANI,  
Plaintiffs

VS.  
CITY OF SOMERVILLE, et al  
Defendants

---

\*  
\*  
\*  
\* C. A. NO 04-106939NMG  
\*  
\*  
\*

**MOTIONS FOR SANCTIONS AND ATTORNEY'S FEES**

Now comes the Plaintiff Elizabeth Troiani, through counsel, and hereby requests the imposition of sanctions and an award of attorney's fees against the City of Somerville as a result of the City's non compliance with the terms of a Settlement Agreement, fully executed by Plaintiff on January 19, 2006 and which had been executed by Plaintiff in reliance upon the Court's Order of December 5, 2005, "Settlement Order of Dismissal".

A Stipulation of Dismissal, again executed in reliance upon the Order was filed on December 8, 2005 and signed by representatives of the City of Somerville and all defense counsel. To this date there has been no action by the City of Somerville which would conclude the terms of the agreement. The behavior of the City, including that of the City Solicitor's office, has unreasonably and vexatiously multiplied the proceedings in this case and has caused the

Plaintiff to incur unreasonable costs and expenses associated with the conclusion of this matter, all in violation of 28 U.S.C. § 1927.

Plaintiff requests sanctions in the following form:

1. Statutory interest based on the settlement amount agreed upon by the parties, retroactive to the date of the Court's Order of December 5, 2005;
2. All Attorneys' fees reasonably incurred as a result of counsel being forced to bring this motion to enforce the Settlement Agreement.

Respectfully submitted,  
Elizabeth Troiani  
By her Attorney,

/s/ Michael C. Donahue\_\_\_\_\_  
Michael C. Donahue,  
BBO#128940  
Michael C. Donahue, P.C.  
P.O. Box 610  
South Easton, MA 02375  
(508) 238-5501